

**BEFORE THE STATE OF ARIZONA
BOARD OF CHIROPRACTIC EXAMINERS**

In the Matter of: Arnold A. Orbach, D.C. Holder of License No.:687 For the Practice of Chiropractic In the State of Arizona Respondent	Case No. 2017-020 & 2017-032 FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER FOR REVOCATION
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INTRODUCTION

Pursuant to A.R.S. § 32-924 (F - H), the State of Arizona Board of Chiropractic Examiners ("Board") held a Formal Hearing for Arnold A. Orbach D.C. ("Respondent") on July 18, 2018. Michael Raine, Esq. appeared to represent the State of Arizona. Mary Williams was present as independent advisor. Respondent failed to appear before the Board and was not represented by legal counsel.

After due consideration and deliberation of the facts and law applicable to this matter, the Board voted to substantiate several allegations of unprofessional conduct and now issues the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of Chiropractic in the State of Arizona.
2. Respondent is the holder of Arizona Chiropractic License No. 687.
3. On June 14, 2017, Respondent and the Board entered into a Consent Agreement to amicably resolve case numbers 2017-020 and 2017-032.
4. The Consent Agreement established that Respondent had engaged in various acts of unprofessional conduct and placed his license on two years' of probation, with specific terms and conditions that he had to satisfy within established deadlines.
5. Specifically, the Consent Agreement required, among other items, the following:

a. Respondent was to enter into an agreement with a Board-approved practice monitor within thirty days and comply with additional, detailed requirements for working with the monitor;

b. Respondent was to pay an administrative penalty of \$50 within ninety days for failing to timely update his address of record with the Board;

c. Respondent was to pay a civil penalty of \$5,000, but that penalty was stayed for so long as he remained in compliance with the other requirements in the Consent Agreement;

d. Respondent was to apply for reinstatement of his license from administrative suspension within thirty days;

e. Respondent was to complete twenty-four hours of specified continuing education courses within one hundred and eighty days;

f. Respondent was to complete an additional two hours of continuing education courses in ethics within ninety days;

g. Respondent was to take and pass the Board's jurisprudence examination within one hundred and eighty days; and

h. Respondent was to take and pass the Ethics and Boundaries Assessment Service, LLC, Ethics and boundary Essay Examination within one year.

6. The Consent Agreement stated that the Board could take disciplinary action against him if he violated its terms, and Respondent signed the agreement directly below an express admonition that “any violation of this Consent agreement constitutes unprofessional conduct pursuant to A.R.S. § 32-924(A)(16) . . . and may result in disciplinary action.”

7. Although in July 2017, the Board sent Respondent reminders of his deadlines and Respondent had been in direct communication with Board staff, he failed to submit a check for fees related to his reinstatement.

8. Respondent has otherwise failed to comply with any of the terms of his probation set forth in paragraph 5, above.

CONCLUSIONS OF LAW

1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-900, et seq.

2. The conduct alleged in the Findings of Fact constitutes grounds for discipline

1 pursuant to A.R.S. § 32-924(A)(16) in that Respondent "Violating or attempting to violate,
2 directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any of
3 the provisions of this chapter or any board order." Respondent's actions, described above,
4 provides the Board with sufficient factual basis to suspend or revoke Respondent's chiropractic
5 license pursuant to A.R.S. § 32-924(G).

6 **ORDER**

7 Based upon the above Findings of Fact and Conclusions of Law, **IT IS HEREBY ORDERED:**

- 8 1. Chiropractic License No. 687, issued to Respondent to practice chiropractic in the State
9 of Arizona is **Revoked**.
- 10 2. Within 60 days of the effective date of this Order, Respondent shall return the ornamental
11 license & PMMTP (Physiotherapy) certificate No. 2397 to the Board.

12 **NOTICE:** This Order constitutes a formal decision and order of the Board. If the
13 Respondent desires to challenge the Order, Respondent shall file a written motion for rehearing
14 with the Board's Executive Director within thirty (30) days after service of the Order. Service
15 of the Order is effective five days after the date of mailing to Respondent. Under A.A.C.
16 R4-7-305 (C), the motion for rehearing must state with specificity the grounds for rehearing.
17 Failure to file a motion for rehearing or review has the effect of prohibiting judicial review of
18 the Board's Order, according to A.R.S. § 41-1092.09 (B) and A.R.S. § 12-904 et seq.

19 This Order shall be effective and in force upon the expiration of the above time period
20 for filing a motion for rehearing or review with the Board.
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1 **DATED AND EFFECTIVE** this 31st day of August, 2018.

2 **STATE OF ARIZONA BOARD OF**
3 **CHIROPRACTIC EXAMINERS**



8 

9 James Badge, D.C., Chairman
10 State of Arizona Board of
11 Chiropractic Examiners

12 **Original** of the foregoing filed this
13 31st day of August, 2018 with:
14 State of Arizona Board of Chiropractic Examiners
15 1740 West Adams Street, Suite 2430
16 Phoenix, Arizona 85007

17 **Executed Copy** of the foregoing mailed by U.S. certified mail & e-mailed
18 This 31st day of August, 2018, to:

19 Arnold A. Orbach, D.C.
20 7049 E. Tanque Verde #113
21 Tucson, AZ 85715

22 *Respondent*

23 Certificate No. 7015 3430 0000 3430 4753

24 Richard Luff, Esq.
25 Sent Electronically
26 *Attorney for the Respondent*

27 Sent electronically to:
28 Michael Raine, Assistant Attorney General
Michael.Raine@azag.gov
Attorney for the State

Mary Williams, Assistant Attorney General
MaryD.Williams@azag.gov
Independent Counsel to the Board

Justin Bohall, Executive Director
Board Operations